

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, OCTOBER 5, 2004.

Board Members Present: *John F. Coates, Chairman*
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Steven E. Nixon
Brad C. Rosenberger

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

INVOCATION

Rev. Sanford L. Martin, Retired Pastor of New Salem Baptist Church and Chaplin for Culpeper Town Police, presented the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Nixon led the Board and members of the audience in the Pledge of Allegiance to the Flag.

RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Frank Bossio, County Administrator, announced a correction had been made on page 18 of the September 7, 2004 morning meeting to change the vote to approve the additional staff for the Building Official's Office to read "7 to 0" instead of "6 to 1".

Mr. Bossio asked that the following changes be made in the agenda:

Under **CONSENT AGENDA**, add item k. The Board will consider an Assignment of Lease from Cintas Corporation to the County for the Omni hangar at the Airport, including a promissory note; and item l. The Board will consider the second amendment to the contract between the School Board, Board of Supervisors and SHW Group, Inc., originally approved by the School Board on June 24, 2004.

Under **CLOSED SESSION**, add item #13. Under *Virginia Code* § 2.2-3711 (A)(7) for consultation with the County Attorney and staff regarding actual litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the County.

Mr. Bossio referred to supporting documentation for items already on the agenda.

Mrs. Hansohn moved, seconded by Mr. Lee, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: MINUTES

The minutes of the September 7, 2004 regular meetings were presented for the Board's approval.

Mr. Walker moved, seconded by Mr. Nixon, to approve the minutes as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider approving a Resolution in Memory of Steven Michael Rosenfeld.
- b. The Board will consider approving a budget transfer for the required local 25% match of the operating cost of the VRTA bus in the amount of \$20,800.
- c. The Board will consider approving a budget amendment for the Department of Human Services for additional funds in the areas of Headstart received from the University of Virginia in the amount of \$2,600 for classroom supplies.
- d. The Board will consider approving acceptance and appropriation for funding received for grants from the Department of Emergency Services from the Office of Domestic Preparedness State Homeland Security Grant Program in the amount of \$162,503 to be used toward the purchase of the new 800 MHz radio system. No local funds required.
- e. The Board will consider approving a budget transfer for the Department of Emergency Services, to be shared with the Sheriff's Office, Culpeper Fire and Rescue Association, and the Town Police Department, in the amount of \$41,988 received through

the 1999 Department of Justice grant funds to purchase equipment to improve response to weapons of mass destruction. The State Department of Emergency Management approved these funds to be used toward the purchase of the new 800 MHz radio system. No local funds required.

f. The Board will consider approving acceptance and appropriation of a grant for the Sheriff's Office from the Division of Motor Vehicles in the amount of \$15,000 to be used for overtime for deputies and an in-car video camera. Local match of \$3,750 required, which can be met by use of a deputy's vehicle.

g. The Board will consider acceptance and application of a grant for the Sheriff's Office from the Department of Criminal Justice Services for a TRIAD Grant in the amount of \$2,513 to be used to purchase equipment for senior citizens. A local match of \$837 is required and will come from the Sheriff's Operating Budget.

h. The Board will consider a motion to ratify for the County Department of Emergency Services and the Fire and Rescue Association to apply for a grant from the Commonwealth of Virginia, Office of Emergency Medical Services, in the amount of \$25,918.25 to be used toward the purchase of software to automatically calculate first due areas. The grant amount does not cover the maintenance cost of \$5,622.75. It is an 80/20 State grant and the local match could range from \$10,806.40 to \$18,581.88.

i. The Board will consider approving a Resolution regarding the Comprehensive Community Criminal Justice Board.

j. The Board will consider awarding an electrical easement to Rappahannock Electric Cooperative for the Community Complex.

k. The Board will consider an Assignment of Lease from Cintas Corporation to the County for the Omni hangar at the Airport, including a promissory note.

l. The Board will consider the second amendment to the contract between the School Board, Board of Supervisors and SHW Group, Inc., originally approved by the School Board on June 24, 2004.

Mr. Lee moved, seconded by Mr. Nixon, to approve the Consent Agenda as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

SPECIAL PRESENTATION

Mr. Coates announced the special presentation of a Resolution in Memory of Steven Michael Rosenfeld would be delayed until his family arrived.

GENERAL COUNTY BUSINESS

INTRODUCTION OF NEW EMPLOYEES

Dianna Catron, Director of Information Technology Department, introduced Anthony Soucek, Senior Computer Technician, to the Board.

John Barrett, Parks & Recreation Director, introduced Tabitha Riley, Program Facilities Supervisor, to the Board.

Bill Myers, Building Official, introduced Danny N. Bartges, Building Inspections Technician, to the Board.

Mr. Coates welcomed the new employees to the County staff and the community.

RE: RECOMMENDED DEBT POLICY CHANGES

Mr. Bossio recalled that debt policy issues had been discussed at previous Board meetings and informed the Board that David Rose of Davenport and Company would present recommendations on future debt policy levels.

Mr. Rose provided each Board member with a copy of his presentation entitled "Financial Trends and Debt Capacity Analysis Update" and informed them they would be asked to consider the recommendations being made. He reviewed debt capacity and made several key assumptions relating to the overall debt of the County. He pointed out that June 30, 2004 numbers were being used and the \$3 million line of credit for school buses had been included. He said a five-year average was being used for various growth levels, such as assessed value, expenditures, per capital income and population, and that a conservative approach had been taken in the numbers. He indicated that the proposed debt included in the ratio projections totaled approximately \$102.5 million for projects over the next five to six fiscal years. He discussed historic and projected assessed value growth, which indicated steady growth.

Mr. Rose called attention to the County's Current Debt versus Total Assessed Value Policy, which stated that debt outstanding should not exceed 2.5 percent. He stated that after discussions with the rating agencies, he believed that number was too conservative and was proposing that the County's policy be amended to 3.5 percent. He referenced a chart that indicated when the projects totaling approximately \$100 million were finished, just

under \$20 million of additional debt would be possible starting in 2011, based upon the growth level and assessed value level.

Mr. Rose discussed historic and projected expenditures growth and indicated the County's expenditures had been growing by 8.5 to 9.5 percent, but he used a conservative projected growth rate of 6 percent. He noted that the County's Current Debt Service versus Expenditures Policy was that debt service as a percentage of expenditures should not exceed 10 percent, and he was not recommending any change in that policy.

Mr. Rose presented data on historic and projected income growth and indicated there had been a five-year growth of approximately 4.5 percent and ten-year growth of more than 3 percent, and he had rounded the projected growth rate to 3.5 percent.

Mr. Rose recommended a new Debt versus Personal Income Policy which stated that debt outstanding should not exceed 7.5 percent of personal income. He said that would be a good governor of debt and allow the County to get within that policy with \$100 million of debt. He noted that in 2011 and 2012, the County would hover around the \$20 million mark in terms of additional debt based on growth trends.

Mr. Rose discussed historic and projected population growth at a conservative figure of 1.7 percent, which could be changed almost instantaneously. He stated that the Current Debt Per Capita Policy which stated that debt per capita should not exceed \$1,000 did not take into consideration any concept of inflation, and he recommended that the policy be removed.

Mr. Rose recommended some financing be done by the end of year for two reasons: (1) There would be the ability to incur "bank qualified" debt not to exceed \$10 million on a calendar-year-to-calendar-year determination by the Federal Government; and (2) the interest rates had been trending downward. He suggested that the money should be borrowed and locked in by year end to take advantage of bank qualification. He explained that bank qualification was a determination that if a locality borrowed no more than \$10 million in a year, local and regional banks would have a certain tax benefit to buying some of that debt. He said the County should take advantage of both the current market environment, as well as bank qualification. He pointed out that the \$1.5 million for the sports complex would be General Obligation funding, while IDA lease revenue would be used for the rest of the projects.

Mr. Rose stated that he would like to put out a request to local and regional banking institutions and ask for some response regarding guaranteed interest rates by October 25, and ask the IDA to convene a meeting sometime around November 8 or 15 with the goal of closing on the financing by November 25.

Mr. Walker asked whether the policy changes needed to be made prior to the financing activity. Mr. Rose said they did not.

Mr. Nixon inquired when Mr. Rose would need an answer on the refinancing in order to move forward. Mr. Rose stated he could move forward with the County Administrator's approval, but he would like to have a consensus from the Board of Supervisors.

Mr. Coates stated that the County Attorney advised that it would be desirable to have a motion to allow for requests for proposals to be sent out.

Mr. Chase moved, seconded by Mr. Lee, to move forward with the proposal.

Mr. Nixon asked Mr. Bossio whether he had reviewed the proposal. Mr. Bossio stated that the projects had been approved previously by the Board and the two increments of financing were necessary to fund the projects.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Bossio pointed out that the formal part of the presentation dealt with debt service, and it did not address any operational costs for the sports complex or other projects.

A general discussion ensued between various Board members and Mr. Rose regarding how the projected growth rate for expenditures was determined, the impact of debt on the real estate tax rate, and the method for determining personal income.

Mr. Rose pointed out that the debt policies were all voluntary, but he would recommend that the Board consider them, especially the policy that debt per capita should not exceed \$1,000 which was outdated and should not be in existence.

In answer to Mr. Nixon's comment regarding bond ratings, Mr. Rose stated that the County enjoyed a very strong bond rating in the A-range category. He pointed out that the highest rated localities tended to be localities with the most debt and the credit rating was based on the willingness and ability to pay.

SPECIAL PRESENTATION (continued)

Mr. Coates announced the presentation would be made of the Resolution in Memory of Steven Michael Rosenfeld. He recognized members of the Salem Volunteer Fire Department in the audience and related Mr. Rosenfeld's years of service to that Department. He asked Chief Bailey to accompany Mrs. Rosenfeld to the dais so she could receive the resolution on behalf of the Board.

Mr. Bossio read the following resolution into the record:

**RESOLUTION IN MEMORY
OF
STEVEN MICHAEL ROSENFELD**

WHEREAS, on September 9, 2004, EMT/firefighter Steven Michael Rosenfeld died in the line of duty while responding to a motor vehicle crash site; and

WHEREAS, Steven Michael Rosenfeld served the people of Culpeper County with distinction and honor; and

WHEREAS, the people of Culpeper County mourn the death of EMT/firefighter Steven Michael Rosenfeld; and

WHEREAS, for the past three years this selfless volunteer were spent assisting the community as a member of Rescue Company 8; and

WHEREAS, he was Salem's Captain of Emergency Medical Services and was awarded last year the Chief's Award, EMT of the Year and Top Call Runner; and

WHEREAS, a man of great ability and unquestioned integrity, he was a courageous man who risked his life every day to protect the lives and property of our citizens; and

WHEREAS, he was a loyal friend and outstanding EMT/firefighter and his memory will be cherished by all who knew him;

NOW, THEREFORE, BE IT RESOLVED, the Culpeper County Board of Supervisors honors the life and memory of Steven Michael Rosenfeld for his dedication to duty and selfless sacrifice; and

BE IT FURTHER RESOLVED, that he be remembered as a hero and as a friend who loved his family, loved this community and loved to help others as a volunteer; and

BE IT FURTHER RESOLVED, that the Culpeper County Board of Supervisors offers their deepest condolences to his wife, Susan and their three daughters, Beverly, Jennifer and Samantha.

DONE 5th day of October 2004.

By: William C. Chase, Jr., Stevensburg District
Sue D. Hansohn, Catalpa District
James C. Lee, Cedar Mountain District
Steven E. Nixon, West Fairfax District
Brad C. Rosenberger, Jefferson District
Steven L. Walker, East Fairfax District

/s/ John F. Coates
John F. Coates, Chairman
Culpeper County Board of Supervisors
Salem District

ATTEST:

Frank T. Bossio, Clerk of the Board

Mr. Coates expressed his and the Board's sympathy to Mrs. Rosenfeld. The Board and audience stood to observe a moment of silence.

Mr. Coates recessed the meeting at 10:55 a.m.

Mr. Coates called the meeting back to order at 11:15 a.m.

RE: UPDATE ON EXTENSION OFFICE ACTIVITIES

Linda Murphy, Virginia Cooperative Extension Unit Coordinator, introduced Vivian Ellison, a new 4-H Agent and provided an outline of her education and experience. Ms. Murphy reported other personnel actions as follows: (1) A Farm Business Management position for Northern Virginia had been authorized by a General Assembly budget amendment and the position would be housed in the Culpeper office by the end of the year; (2) Ms. Sandy Lillard, who filled the support staff position in the local office, had been promoted to Administrative Assistant in the Madison Office, and that vacancy would be filled immediately; (3) Mr. Jim Riddell, former District Director, had been promoted to Assistant Director of Agriculture and Natural Resources in the College of Life Sciences at Virginia Tech; (4) Ms. Donna Wells, 4-H Agent in Stafford County, was being named interim District Director; and (5) Dr. Patricia Sobrero had been appointed as State Director of Extension on July 1, 2004. She also reported that the District Office would be moving from Fauquier County to the Northern Virginia Campus in Falls Church.

Ms. Murphy invited all of the Board members to attend the Virginia Cooperative Extension annual dinner meeting on December 7, at 5:00 p.m.

Mr. Coates welcomed Vivian Ellison to the staff of the Extension Office.

RE: TREASURER'S ANNUAL REPORT

Stephen Southard, Treasurer, presented his Annual Report, covering the five areas required by State Code. He invited Board members to visit his office to review the full reports. He called the Board's attention to a statistical summary of delinquent real estate and delinquent personal property and pointed out that as of June 30, delinquent real estate was \$682,006 and delinquent personal property was \$590,680, representing 1.34 percent of total assessments. He noted that no effort was made during the first two years to collect delinquent real estate taxes since it earned 20 percent the first year and 10 percent the

second year. There is a program in place in the third year to assign an attorney for collection. He said his office concentrated on collecting personal property taxes.

Mr. Southard provided graphs on (1) the total tax levy over the last ten years, which has grown significantly; (2) delinquent tax ratios, which had gone from a high of 11.14 percent to 3.14 percent; (3) motor vehicle licenses (decal) sales which rose from about 17,000 in 1993 to approximately 29,000 in 2003; and (4) animal license sales that have been trending downward.

Mr. Coates questioned the decline in the sale of animal licenses and expressed concern that the animals were not being vaccinated. Mr. Southard said there were several things that could be done to publicize the need for a dog license, but it was not feasible to mail out applications since the return was only \$5 per license. He noted that the Humane Society had done a great job in assisting with dog license applications.

Mr. Chase stated that a discussion came up at the Animal Shelter Advisory Committee regarding the problem. Mr. Southard stated that staff at the Animal Shelter wanted to sell dog licenses, but he discouraged that since his office was responsible for the actual viewing of a rabies certificate before issuing a license. He said that presently the Animal Shelter staff could take applications and the money, and sign off on it prior to forwarding it to his office for processing either that day or the next. He noted that some localities allowed veterinarians to sell the licenses, but the veterinarians in the Culpeper area were not interested in participating.

Both Mr. Lee and Mr. Walker thanked Mr. Southard for his efforts in collecting delinquent taxes.

Mr. Southard asked for the Board's approval to publish the delinquent tax list, as he had been doing for the last five or six years.

Mr. Coates stated that two motions would be required, one to accept Mr. Southard's report and the other to grant approval to publish the delinquent tax list.

Mr. Nixon moved, seconded by Mr. Lee, to accept the Treasurer's Report as submitted.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Nixon moved, seconded by Mr. Lee, to authorize publication of the delinquent tax list.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: CONSIDERATION OF REQUEST FROM SCHOOL BOARD

Dr. David A. Cox, Division Superintendent of Schools, informed the Board that the School Board had approved a resolution regarding the proposed new school between the Culpeper County High School and the Middle School, known as the "building in the middle".

Mr. Chase asked Dr. Cox to explain a comment made by one of the School Board members that there were no classrooms. Dr. Cox explained that what Mrs. Elizabeth Hutchins, School Board Chair, intended to convey was her concern that the 24-classroom building did not address the problems of the "roving teachers". He said that while the building would have 24 classrooms, 22 would be used as classrooms and two of the equivalent spaces to be dedicated to the culinary arts' kitchen, and there were in excess of 30 teachers with neither a dedicated classroom nor office space.

Dr. Cox stated that the School Board was excited about the resolution before the Board of Supervisors, and he appreciated the opportunity to ask the Board to appropriate the funding. He recalled that discussions began sometime ago regarding the building in the middle, and he reviewed the steps taken in the past few months on technical aspects of the project. He said the School Board had entered into a contract with David Cook and Associates of Ogden, Utah to design the building and were now asking the Board of Supervisors to appropriate an amount not to exceed \$2.3 million for construction. The soft costs, such as architectural fees, would be covered by contingency funds from the Binns project.

Mr. Chase asked whether the two culinary rooms were also classrooms. Dr. Cox replied that they were the equivalent space of two classrooms and would be used for the commercial kitchen, for which equipment had been purchased. Mr. Chase asked what was happening with the culinary program at Piedmont. Mrs. Hansohn replied that a culinary course would be offered possibly starting in January 2005. Dr. Cox stated the high school already had a very successful culinary arts program operating in a domestic kitchen. Mr. Chase expressed concern that the two programs would be duplicating academics. Dr. Cox

stated he did not see a duplication and applauded the efforts to bring a culinary arts experience to adults in the community, as well as to students who exited the School program, but wanted to continue in a similar program.

Mrs. Hansohn stated that the school in the middle would be very helpful in easing the strain on the approximately 1,900 high school students in grades 9 through 12. She and Dr. Cox discussed the number of students in the middle school, particularly 9th graders and agreed that the new building would ease the overcrowding for the short term.

Mr. Coates asked Dr. Cox about the construction schedule, and Dr. Cox asked Hunter Spencer to come forward to provide that information.

Mr. Spencer indicated the final preliminary design drawings were being developed to include the kitchen and would be sent out shortly to the Committee members for review. He said the plan was to obtain a contractor through the RFP process in approximately two months, with the intent to begin some form of construction, such as site work, after the first of the year.

Mr. Coates explained he was asking about the schedule because the Board would need to have a public hearing before it could appropriate the requested funding.

David Maddox, County Attorney, stated that would be the case for an appropriation of this amount, but he thought there were other issues involved.

Mr. Bossio informed the Board that when the funding was being put together for SHW Architects, he explained to Dr. Cox the constraints in obtaining \$10 million bank qualified funds this fiscal year. He said the money was based on calendar year dollars, and the County could borrow the first increment of \$10 million through December 2004, and another \$10 million after January 1, 2005. He stated that would allow ample time to have a public hearing to appropriate the \$2.3 million.

Mr. Walker asked Dr. Cox when he needed a confirmation from the Board in terms of funding. Dr. Cox replied that he would appreciate receiving a commitment today to support the project and to ensure that both Boards were in agreement. Mr. Walker pointed out that the December Board meeting would meet the School Board's schedule.

Several Board members questioned the present capacity of the high school and the anticipated capacity after the middle building was built. After a lengthy discussion regarding "capacity" and its various meanings, Dr. Cox agreed that the new building would increase the legal capacity to 2,000 students. Mr. Nixon asked for Dr. Cox's confirmation that the

“building in the middle” would provide increased capacity by providing additional classroom space; and if the Board were to endorse the project today, the new building would be in operation by August 2005 for the 2005-06 school term. Dr. Cox agreed to both statements.

Mr. Nixon confirmed with Mr. Spencer that he would need 60 days for plan approval and the bid process. He also confirmed that the building would be a shell design with freestanding walls and changes could be made in the design of the building without major problems. Mr. Spencer agreed that modifications could be made to the building, except for the kitchen area. Mr. Nixon pointed out that if the Board approved the \$2.3 million cap and modifications were made in the building that required additional funds, the School Board would have to come back before the Board of Supervisors for approval.

Dr. Cox thanked Mr. Nixon for his assistance in the deliberations with the architects.

Mr. Chase questioned whether the domestic kitchen in the high school would be dismantled and used for classroom space when the commercial kitchen was installed in the building in the middle. Dr. Cox replied that it might not be dismantled, but it would certainly be used for additional classroom space, possibly for family living training. Mr. Chase stated that he hoped the “roving teacher” situation could be corrected because he did not want to hear or read anything more about it once the new building was constructed and in operation.

Mr. Bossio and Mr. Spencer discussed the bid process and schedule at length. Mr. Bossio stated that having the public hearing in December should not hamper the plans to begin construction in January.

Mr. Lee asked what happened to the additional 275 students since the bond referendum was passed when there were supposed to be 1,800 students. Dr. Cox replied that he did not have an answer, but stated that the State Fire Marshal's office defined capacity as the number of students physically in the building, but the school system looked at capacity in terms of programming for instruction, and that may explain the difference in numbers.

Mr. Coates stated that Dr. Cox was asking the Board for a consensus today to allow the School Board to proceed, realizing that a public hearing would need to be held in order to finalize this issue.

Mr. Chase stated that while he supported the project because it was an immediate solution to the problem, he recalled that the Board had previously endorsed the project.

Mrs. Hansohn agreed that the Board had made a previous commitment to proceed with the building in the middle, but the School Board ran into a problem with obtaining sole source procurement. She pointed out that the first sentence in the resolution was not entirely accurate because technically there were not 2,000 students being housed in the high school.

Mr. Maddox acknowledged that there could not be an appropriation of the \$2.3 million today, but Dr. Cox wanted confirmation from the Board that it was in concurrence with the project.

Mr. Rosenberger questioned the original cost of the building when a sole source provider had been contemplated. Dr. Cox stated it was the same amount (\$2.3 million) to build 24 classrooms, but \$1.9 million had been contemplated to build a one-story building with 12 classrooms. Mr. Rosenberger stated that \$1.9 million was the figure he remembered. He agreed that the Board had approved the concept at an earlier meeting and no action should be necessary except to schedule the public hearing.

There was further discussion about the timetable for appropriating the funds and the public hearing.

Dr. Cox stated that he understood the appropriations' methodology, but he was asking for a commitment that the project was something the Board was willing to fund. He said he recalled the discussions at the April Board meeting, and it was his understanding that the Board asked him to research the project further and come back, which he had done. He said if the Board of Supervisors was willing to accept the School Board's resolution, to indicate either by consensus or by vote that the Board supported that resolution.

Mr. Walker stated he could not support the resolution because it was asking the Board to appropriate funds in the next to last paragraph: "Now, therefore, be it resolved that the Culpeper County School Board requests, and it does hereby formally request, that the Culpeper County Board of Supervisors appropriate an amount not to exceed \$2.3 million for the construction of a 22 classroom building."

Mr. Coates assured Dr. Cox that it was the consensus of the Board to support the project, but there would have to be a public hearing before funds could be appropriated.

Mr. Chase moved, to authorize the advertisement for a public hearing on November 3.

Mr. Walker seconded for discussion purposes.

Mr. Lee stated he would not be present on November 3, because he would be out of State.

Mr. Walker and Mr. Nixon questioned whether a public hearing could be held when the exact contract amount of the contract was not known. Mr. Chase pointed out that the contract price was "not to exceed \$2.3 million".

Mr. Bossio stated that if the hearing were scheduled for the Board's December meeting, the bids would be back and a contract amount would be known.

Mr. Chase withdrew his motion, and Mr. Walker agreed to the withdrawal.

Mr. Chase moved, seconded by Mr. Walker, to authorize the advertisement of a public hearing for the December 7, 2004 meeting when the School Board would have a contract figure.

Mr. Coates asked Dr. Cox if that would be satisfactory. Mr. Cox stated it would be.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: UPDATE ON SCHOOL'S ENERGY PERFORMANCE CONTRACT

Dr. Cox explained the School Board and Board of Supervisors had worked together to fund an energy performance contract focusing on (1) the replacement of the boilers at high school and (2) a lighting retrofitting project, with the concept that the savings would be used to hire additional school maintenance staff. He introduced Ms. Jennifer Maccauley, School Board member from the Salem District; Jeff Shomo, Director of Finance; and Geary Parkinson, Director of Facilities Maintenance.

Dr. Cox provided the following report on the School's Energy Performance Contract:

1. A contract was signed with Tune & Toler from Blairs, Virginia on July 23, 2004 to install six new boilers at a cost of \$352,741, with a high bid of \$536,985. Delays were incurred because one bidder questioned the contract award, a problem occurred in fabricating the vent stock, and additional asbestos was found in the penthouse (mechanical room on top of the school). The work is in process and should be completed by October 11, 2004. The efficiency was realized by installing six smaller boilers, rather than two larger boilers as recommended by the Johnson Controls report.
2. The current review of the overall Energy Management Program was ongoing. More

than \$1 million has been saved in the schools and the County since 1998.

3. The lighting retrofit RFP will be advertised the third week in October, and the electrical engineering specifications are currently being reviewed. The project was delayed due to an engineering issue with grounding the lighting fixtures. As part of regular maintenance, when light fixtures go down in the hallways, the fixtures are being retrofitted, ballasts are being replaced and new energy efficiency bulbs installed. An outside crew will be hired to replace lights en masse when students were not in the building during evenings and weekends. It is expected that the project will be completed by the second semester.

4. With savings realized from the lighting retrofit project, two additional maintenance employees will be hired. Job descriptions have been completed, and the positions will be advertised and filled by the first of 2005.

Dr. Cox expressed his appreciation to Mr. Bossio and County staff who worked with the School System and to the Board of Supervisors for providing funding for the project.

Mr. Walker thanked Dr. Cox for his report. He noted he had been concerned because the lighting retrofitting project had not been completed during the summer and he appreciated being advised of the reasons for the delay. He asked why hiring the two maintenance department workers had been delayed until January 2005. Dr. Cox replied that he wanted to be sure the job descriptions fit the needs of the maintenance department and there were sufficient savings to offset the costs of hiring two individuals.

Mrs. Hansohn stated she was glad that some renovations were being done in the existing high school. She asked whether other projects were planned that could be done without having to add them to the CIP. Dr. Cox replied that there were many repair needs in the School CIP and more were being identified.

Dr. Cox stated that he would take this opportunity to thank his Maintenance Department for the good job they are doing in keeping the schools and equipment running smoothly.

Mr. Coates recessed the meeting for lunch break at 12:30 p.m.

Mr. Coates called the meeting back to order at 2:15 p.m.

RE: 2005 PRIMARY ROAD PRIORITY LIST

John Egertson, Planning Director, presented a list of priorities for primary road improvements which would be submitted to VDOT and the Commonwealth Transportation Board. He noted that the VDOT hearing was held September 29, which had conflicted with

the Planning Commission meeting. He stated that VDOT would accept written submissions through October 9, and he would like to have the Board's approval before the list was submitted. He indicated that the list was identical to the one that had been presented for the past two or three years. It includes: (1) The four-laning of Route 3; (2) a new interchange at Routes 29/666, where the Community Complex was under construction; (3) the four-laning of Routes 15/29 Business; and (4) the four-laning of Route 229 from the Town limits to Catalpa.

Mrs. Hansohn moved, seconded by Mr. Nixon, to approve the 2005 primary road priority list as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: VOTING CREDENTIAL FOR THE ANNUAL BUSINESS MEETING

Mr. Bossio stated that the Board was required to designate a representative to cast its vote at the VACo Annual Meeting at the Homestead, November 7-9, 2004.

Mr. Walker stated there were three individuals seeking office, and he was acquainted with them as a result of his service on the VACo Board. He said that Donald L. Hart from Accomac and Paul Ferguson from Arlington were running for Treasurer; and William Kyger, the present Treasurer, was a candidate for Second Vice President.

Mr. Coates commented that since the candidates seemed to be equal, the gentleman from Accomac might have more in common with Culpeper County than someone from Arlington. Mr. Walker agreed they were both excellent candidates.

Mr. Chase moved, seconded by Mr. Nixon, to support Donald L. Hart from Accomac for the Treasurer of VACo.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker asked whether the Board would like to prepare a resolution for William Kyger from Rockingham County, who was being considered for Second Vice President.

Mrs. Hansohn moved, seconded by Mr. Lee, to prepare a resolution in support of Mr. Kyger for VACo's Second Vice President.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker stated he was selected last year as the County's voting delegate and Mr. Rosenberger served as alternate. He said he would agree to continue since he would be there as a VACo Board member.

Mr. Chase moved, seconded by Mr. Lee, to designate Mr. Walker as the Board's voting delegate to VACo, with Mr. Rosenberger as alternate.

Mr. Rosenberger asked that someone else be designated as alternate.

Mr. Chase amended his motion to designate Mr. Nixon as alternate. Mr. Lee agreed to the amendment.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Abstained - Nixon

Motion carried 6 to 0, with one abstention.

COMMITTEE REPORTS

RULES COMMITTEE/SEPTEMBER 14, 2004/9:00 A.M.

Mr. Walker reported that the Rules Committee met and there were several items requiring Board action. He said the first item was a recommendation that a proposed ordinance amendment to Section 12.181 be advertised for public hearing. He explained that the change affected the process for tax exempt status and had become necessary due to legislation passed during the last session of the General Assembly.

Mr. Nixon moved, seconded by Mr. Lee, to advertise the proposed ordinance amendment for public hearing.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker stated that the second recommendation from Rules Committee was to amend the proposed Parks and Recreation ordinance to include Galbreath Marshall Field and that it be advertised for a public hearing.

Mr. Maddox explained that the amendment to Section 10B-34 was necessitated by legislation passed by the General Assembly which prohibits a locality from passing any resolution, motion, administrative rule or any other limitation on the ability of someone to

carry a firearm, including into meetings such as this, unless specifically authorized by statute. He noted that this particular ordinance and the rules of the Parks and Recreation Department precluded people from discharging firearms in those parks. He said the amendment would include Spilman Park and Galbreath Marshall Field, as parks designated under the jurisdiction of the Department of Parks and Recreation where the discharge of firearms would be a danger due to the heavily populated area.

Mr. Walker moved, seconded by Mr. Chase, to advertise for public hearing the proposed amendment to Section 10B-34, Guns, Knives, Bows and Arrows or Fireworks Prohibited.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker stated that the last item from the Rules Committee was a recommendation to sever ties with Marsh USA, Inc., the current insurance consultant and broker of records. He referenced a letter signed by Mr. Bossio and Dr. Cox to Marsh USA, Inc., terminating services as of November 30, 2004. He noted that cost savings were estimated between \$80,000 and \$90,000 per year, and the savings would be used to establish a risk management position.

Mr. Bossio added that both School and County staff felt that it would be better to have an onboard risk manager, with an insurance speciality background, who would be a broker of record and provide risk assessment assistance during the year when not in negotiations with insurance companies. He stated that the School Board had voted to approve, and it was ready for the Board's consideration.

Mr. Walker moved, seconded by Mr. Lee, to accept the recommendation of the Rules Committee to terminate consulting services with Marsh USA, Inc.

Mr. Chase stated he would not support the motion because he was against adding additional staff since there were existing staff who could be trained to do the job.

Mrs. Hansohn asked whether the risk manager would be paid from the money now being paid to the consultant. Mr. Bossio replied that the new employee would be paid less than the \$90,000 to \$120,000 currently being paid for those services. He said the employee would be a unique person with insurance background and the ability to handle risk management.

Mr. Chase asked whether the motion included hiring an in-house person. Mr. Walker stated that was not part of his motion, but the Rules Committee had recommended the establishment of a risk management position.

Mr. Chase requested that the motion be in two parts, so he could vote on at least one. Mr. Walker repeated that the motion on the floor did not include an additional staff person at this time. Mrs. Crane, Deputy Clerk, stated the motion was to follow the recommendation of the School Board to sever ties with Marsh and to establish a risk management position.

Mr. Rosenberger asked whether any thought had been given to looking for another brokerage firm to do the same job for less money instead of creating more staff. He agreed with Mr. Chase regarding not hiring additional County staff, particularly due to the lack of space.

Mr. Walker withdrew his motion. He said the intent was not actually to fill the position, but to explore other possibilities. He quoted the following sentence from the letter to Marsh: "The County has decided to explore other avenues available for such services, which may include combining analysis of bids for coverage and risk management as an in-house function." Mr. Lee accepted withdrawal of the motion.

Mr. Walker moved, seconded by Mr. Nixon, to terminate the County's relationship with Marsh Consulting and to explore a risk management position.

Mr. Lee supported a risk management position and felt it should cover not only life and health insurance, but also property and casualty. He felt the position would be needed in the future as the County and School System continued to grow.

Mr. Nixon stated he would support the motion because he felt that risk management was going to be an ever present need for the County as it continued to grow. He felt that someone could be hired for approximately half of what was being paid to the present broker.

Mr. Coates called for voice vote and then a show of hands.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

See Attachment #1 for details of meeting.

PUBLIC WORKS COMMITTEE/SEPTEMBER 14, 2004/11:30 A.M.

Mrs. Hansohn reported that the Department of Environmental Quality (DEQ) required the County to update its Solid Waste Management Plan. She said the Committee was recommending that the Plan be sent to the Town for review and comment, after which a public hearing would be held to obtain public comments.

Paul Howard, Environmental Services Director, explained that the Solid Waste Management Plan outlined how the County would be managing its solid waste and recycling over the next five to ten years. He said the draft was out for public comment, and copies could be obtained from his office or from the County's website. He noted that the public hearing would be held in the Board room on October 20, 2004, at 7:00 p.m., at which time citizens could come and offer their comments. He said the Plan would then go back to the Town Council and to the Board of Supervisors for formal approval and submission to DEQ.

Mr. Walker inquired why one of the recycling centers had been closed. Mr. Howard replied that the site at Meadowbrook Shopping Center had been closed at the request of the landowner, but staff was searching for a new home.

Mr. Lee stated he had received calls from constituents who would like to have other sites similar to the one in Stevensburg. Mr. Howard replied that the Comprehensive Plan, which was in the process of being revised, called for a Convenience Center in each Magisterial District, except in the Town.

See Attachment #2 for details of meeting.

TOWN/COUNTY INTERACTION COMMITTEE/SEPTEMBER 22, 2004/7:30 A.M.

Mr. Chase asked Mr. Bossio to report on the Town/County Interaction Committee. Mr. Bossio said there were no action items to bring to the full Board. Mr. Chase mentioned that a discussion arose after the meeting regarding the need for the Emergency Operating Plan to be updated every ten years, and he felt emphasis should be placed on its being updated. Mr. Bossio stated the plan was being revised and he would check its status.

See Attachment #3 for details of meeting.

AD HOC ANIMAL SHELTER ADVISORY COMMITTEE/SEPTEMBER 28, 2004/9:00 A.M.

Mr. Chase asked Mr. Bossio to report on the Ad Hoc Committee meeting.

Mr. Bossio stated there were no action items for Board action. He reported that the Committee had discussed obtaining emergency health care for sick or injured animals and had sent letters to local vets to ask if they would consider rotating emergency hours for the

Animal Shelter and the Humane Society. He said the Committee also discussed adoption procedures at the Animal Shelter, with an emphasis placed on good customer service.

ECONOMIC DEVELOPMENT REPORT

Carl Sachs, Economic Development Director, reported that Culpeper County had been recognized with three awards at the International Economic Development Council: (1) Single Publication AD Campaign for the ad "Chairman of the Board", (2) Paid Publication AD Campaign for the ads "Brief Case" and "Chairman of the Board", and (3) General Purpose Promotion for the "Rush Hour" business card size CD-Rom direct mail package. He noted that the County won in the three categories for which it submitted entries.

Mr. Sachs distributed new "pepper" lapel pins to the members of the Board.

AIRPORT ADVISORY COMMITTEE

Mr. Bossio reported that the Airport Advisory Committee worked on plans for the Air Fest, scheduled for Saturday, October 9. He encouraged everyone to attend.

ADMINISTRATOR'S REPORT

Mr. Bossio presented the following Administrator's Report:

1. The Town/County/School Interaction Committee is scheduled for Wednesday, October 6, at 5:00 p.m., in the Middle School Forum;
2. The November Board meeting falls on the National Election Day. Mr. Bossio asked the Board if it would like to keep the meeting at its regular scheduled Tuesday or move it to Wednesday in accordance with Board procedures.

Mr. Walker stated that the Board's Rules and Procedures allowed for the regular meeting to be moved to Wednesday in election years and no action was necessary.

3. The County Extension Leadership Council annual dinner meeting is to be held on December 7, 2004 at 5:00 p.m.
4. The joint work session with the Town Council is scheduled for October 15, from 8:00 a.m. to 12 noon and will be held in the DSS Board Room.
5. The Board will discuss how to proceed with the Centex rezoning case. Mr. Bossio stated that staff would like to discuss with the Board its plans for the Centex rezoning case, i.e., whether the Board would like to hold work sessions with Centex or would they prefer to have a separate hearing apart from the regular Board hearing, as well as where the meeting should be held in order to accommodate a large audience.

Mr. Egertson informed the Board that the Planning Commission had acted on the

case. The next regular Board meeting was November 3, but the Board generally scheduled a separate meeting at a different venue with a larger capacity. He said he needed to know whether the Board would like to have a work session with staff between now and the hearing, and how the Board would like to handle the hearing.

There was a lengthy discussion among the Board members regarding the need for a work session, appropriate dates, and how much time should be allowed. It was pointed out that several Board members had attended the Planning Commission meeting at which the case was considered.

Mrs. Hansohn moved, seconded by Mr. Rosenberger, to meet on November 17, starting at 5:00 p.m. for a work session, with the public hearing scheduled for 7:00 p.m., at a place to be determined, hopefully the Middle School.

After objections were raised regarding the time, Mrs. Hansohn withdrew her motion. Mr. Rosenberger agreed to the withdrawal.

Mrs. Hansohn moved, seconded by Mr. Chase, to start the public hearing at 6:00 p.m. on November 17, to be held at a location to be announced. She noted the motion did not include a work session.

Mr. Coates called for voice vote and a show of hands.

Ayes - Chase, Hansohn, Walker

Nays - Coates, Lee, Nixon, Rosenberger

Motion failed 4 to 3.

Mr. Rosenberger moved that the public hearing start at 7:00 p.m. on the same date at a place to be announced. The motion failed for lack of a second.

Mr. Lee moved, seconded by Mr. Walker, to schedule a work session at 5:00 p.m., on Wednesday, November 17, followed by the public hearing at 6:00 p.m.

Mrs. Hansohn called the question.

Mr. Coates called for a show of hands.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

6. The VACo legislation packet had been received and copies would be sent to Board members shortly. Mr. Bossio called the Board's attention to a major pieces of legislation VACo would be addressing regarding land use and growth management tools. He said that

localities, especially those experiencing residential growth, needed additional tools by local option from the General Assembly to pay for services resulting from growth. Such tools may be impact fees, statewide conditional zoning, transferrable development rights, state funds for purchase of development rights, adequate public facilities provisions and zoning, subdivision ordinances, and real estate transfer fees. He said he would appreciate receiving any comments Board members may have.

Mr. Coates asked Mr. Bossio whether a meeting would be scheduled with the County's legislators. Mr. Bossio assured him that would come later in the legislative session as the County's legislative program was developed.

CLOSED SESSION

Mr. Walker moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) An appointment to the Parks & Recreation Advisory Committee to represent the West Fairfax District; (B) Re-advertising an appointment to the Parks & Recreation Advisory Committee to represent the Salem District; (C) Consideration of an appointment to the Rappahannock Emergency Medical Services Council, Inc.; and (D) Re-advertising for the vacancy on the Agricultural Resource Advisory Committee.
2. Under *Virginia Code* § 2.2-3711(A)(7) for consultation with legal counsel pertaining to actual litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the County.
3. Under *Virginia Code* § 2.2-3711(A)(7) and (A)(30), for consultation with County Attorney and staff regarding negotiations concerning a specific public contract, the outcome of which negotiations could lead to probable litigation.
4. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for discussion of negotiation of a public contract with a potential new business in the County and where disclosure in an open session would adversely affect the bargaining or negotiating position of the County.
5. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30), for discussion with County Attorney and staff regarding award of a public contract for service to the County and expending public funds and where such public discussion would adversely affect the bargaining or negotiating position of the County.
6. Under *Virginia Code* §2.2-3711(A)(3) and (A)(7) for discussion with County Attorney

and staff regarding acquisition of specific real property where open discussion would adversely affect bargaining and negotiating position of the County.

7. Under *Virginia Code* §2.2-3711(A)(3) and (A)(7) for discussion with County Attorney and staff regarding acquisition of specific real property where open discussion would adversely affect bargaining and negotiating position of the County.

8. Under *Virginia Code* §2.2-3711(A)(3) and (A)(7) to discuss with the County Attorney and staff acquisition of specific real property by the County where public discussion would adversely affect the bargaining and negotiating position of the County and probable litigation if such negotiations fail.

9. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30) to discuss with the County Attorney and staff the award of a specific public contract where public discussion would adversely affect the bargaining and negotiating position of the County.

10. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30) to discuss with the County Attorney and staff, the award of specific public contracts involving the expenditure of public funds where discussion in open session would adversely affect the bargaining and negotiating position of the County and which involves probable litigation.

11. Under *Virginia Code* §2.2-3711(A)(7) and (A)(30) to discuss with the County Attorney and staff changes to a specific public contract where public discussion would adversely affect the bargaining and negotiating position of the County.

12. Under *Virginia Code* §2.2-3711(A)(3) and (A)(7) to discuss with the County Attorney and staff legal issues relating to the acquisition of specific real property by the County where public discussion would adversely affect the bargaining and negotiating position of the County.

13. Under *Virginia Code* § 2.2-3711 (A)(7) for consultation with the County Attorney and staff regarding actual litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the County.

Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

Mr. Coates called for recess at 3:15 p.m.

The Board entered into closed session at 3:20 p.m.

The Board returned to open session at 6:50 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show Mr. Chase was not present for the closed session.

Ayes – Walker, Lee, Coates, Nixon, Rosenberger, Hansohn

RE: APPOINTMENT TO THE PARKS & RECREATION ADVISORY COMMITTEE

Mr. Walker moved to appoint Edward Alan Anstine to the Parks and Recreation Advisory Committee to represent the West Fairfax District. Seconded by Mr. Lee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

RE: APPOINTMENT TO THE RAPPAHANNOCK EMERGENCY MEDICAL SERVICES COUNCIL, INC.

Mr. Walker moved to appoint W. Reid Anderson to serve on the REMS Council, Inc. Seconded by Mr. Nixon.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

RE: AUTHORIZATION TO READVERTISE FOR VACANCIES

Mr. Walker moved to readvertise for an appointment to the Parks & Recreation Advisory Committee to represent the Salem District and to readvertise for a vacancy on the Agricultural Resource Advisory Committee. Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS
HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY,
OCTOBER 5, 2004

Board Members Present: *John F. Coates, Chairman*
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Steven E. Nixon
Brad C. Rosenberger

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
John C. Egertson, Planning Director
Sam McLearen, Zoning Administrator
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 7:00 p.m.

CITIZEN FORUM

Mr. Coates called for comments on any item that was not on the agenda.

Mark Settle, Salem District and Culpeper County High School teacher, spoke at length regarding the need for a new high school and discussed the various options being proposed. He stated that he supported Plan A, which was a new 1,500-student high school and renovation of the current high school. He said that neither Plan B, a new 1,200-student high school and partial renovation of the existing high school; or Plan C, a new 1,200-student high school and full renovation of the current high school, were satisfactory options. He urged the Board to make a decision and approve Plan A.

Richard Vento, West Fairfax District, spoke in support of a new high school. He suggested that the County collect real estate taxes twice a year to improve its cash flow in order to fund the project and accelerate the building of the new school.

Debbie St. Orange stated she was a secretary at the high school, with children in the Middle School and an elementary school. She said she strongly supported Plan A for the new high school and felt that any increase in taxes would be offset by providing the best possible opportunity for a better education for the County's children.

Kevin Baker, Cedar Mountain District, a resident of the County for more than 36 years, urged the Board to support Plan A for the new high school. He stressed that the minimum would be to have two equal schools with equal facilities.

Kelly Baker, Cedar Mountain District, a former teacher and the parent of two elementary school children, urged the Board to strongly consider Option A. She said this option was important in order to maintain a smaller group environment and smaller teacher-student ratio. She felt that a mega school, which had been mentioned, with 3,000 students would create major problems.

With no further comments, Mr. Coates closed the Citizen Forum.

RE: AGENDA ADDITIONS AND/OR DELETIONS

Mrs. Hansohn moved, seconded by Mr. Nixon, to approve the agenda as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

PUBLIC HEARING

THE BOARD OF SUPERVISORS WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AMENDING CHAPTER 12 (TAXATION) AND ADD NEW ARTICLE XIV TO BE ENTITLED "BUSINESS LICENSE FEE"

David Maddox, County Attorney, explained that Article XIV, Business License Fee, was a proposed amendment to Chapter 12 of the County Code authorized by the *Code of Virginia*. He said the statutory scheme allowed for (1) a flat fee for a business to pay each year as part of registration, or (2) a tax on the gross revenues of each business. He stated that after discussions in the Rules Committee and by the full Board, the Rules Committee recommended that a flat fee of \$50 be imposed rather a fee based upon gross revenues. He pointed out that the primary objectives of the ordinance were to (1) enable the County to obtain an understanding of what types of businesses were operating in the County by the registration process, and (2) to collect sufficient revenue to cover the costs of the administrative process. He pointed out that the ordinance stipulated that every person engaging in any business, trade, or profession in the County, as defined in the article or otherwise exempted, would be required to apply for a license if the business maintained a place of business in the County (excluding the Town of Culpeper) had gross receipts in excess of \$5,000 during the preceding tax year. He stated that business owners would be

required to apply, even if exempt from paying the fee, for planning purposes and economic development.

Mr. Nixon questioned whether the Rules Committee had stipulated that a business would be required to file if it made less than \$5,000 or was otherwise exempt. Mr. Maddox replied that his recollection was the ordinance was in the same form now as it was when it came from the Rules Committee.

Mr. Coates opened the public hearing and called for public comments.

Lynn Yoder, Catalpa District, stated he and his wife both had small businesses in the County which they operated from their home. He questioned the purpose of the business fee.

He felt that the Chamber of Commerce or another entity would be the appropriate avenue for collecting this information if it was for economic development purposes. He said the \$50 fee was too high, especially since there were no benefits to the applicant.

Mike Duby stated he was a small business owner in the County, and he agreed with Mr. Yoder that the \$50 was a nonproductive additional tax. He said he had not seen the proposed application form, but felt it would be important to break businesses into various categories such as retail, wholesale, service, construction, etc., and to include an "other" category for those businesses not qualifying for categories stated.

Robert Keyser, Jefferson District, spoke in support of the business tax, especially for home businesses operating within the County. He felt it was important for neighbors to know what kinds of businesses were operating in their neighborhoods and where the profits might be going.

With no further comments, Mr. Coates closed the public hearing. He asked the County Attorney to address the questions that were raised.

Mr. Maddox stated that identifying businesses in the County was one of the primary goals of the business license application. He pointed out that the information would be of assistance to those who were trying to stimulate economic development in the County when inquiries were made by other businesses interested in relocating to Culpeper County. He added that the fee might actually generate additional income in addition to paying for any administrative costs.

Mr. Maddox stated that the definition of business in the proposed ordinance did not include definitions by categories, although the form might ask for that information as a means of collecting useful information.

Mrs. Hansohn asked whether County residents who already had a Town business license would also require a County business license. Mr. Maddox replied that under the proposed language, individuals living in and conducting business in the County, but outside the Town, would have to file applications.

Mrs. Hansohn expressed her concern that the \$50 fee was too high only to collect information.

Mr. Walker pointed out that the State statute established the level of fees based on a locality's population.

Mr. Chase stated that having this information would enable staff to reply to individuals who called the County offices to determine whether a particular business was licensed in the County.

Mrs. Hansohn pointed out that even if a business were licensed, that license would not indicate qualification or warranty, but only provide a name and address.

Mr. Coates stated that regardless of what the fee might be, the issue could be reviewed in 12 months and revised if necessary.

Mr. Rosenberger agreed that the County received numerous calls regarding whether businesses, such as independent contractors working in other localities, were licensed to do business in the County. He said there was no requirement regarding abilities or qualifications, but just a record of name and address. He expressed his concern regarding the requirement to have someone who was exempt under State law to file an application, i.e., an individual exempt under State law should not have to apply.

Mr. Nixon pointed out he had supported a motion from Rules Committee that a business making \$5,000 or less did not have to apply.

Mr. Maddox stated it was his recollection and understanding that the document before the Board was the same one that came out of the Rules Committee.

Mr. Walker pointed out that the issue had been in Rules Committee for approximately one year. He said that if the Board felt a business that was exempt should not have to apply, an amendment could be offered. He asked the County Attorney whether

an amendment to the current ordinance would have to be readvertised, including an amendment to reduce the fee.

Mr. Maddox stated that in his opinion it would be doable as an amendment without further readvertising.

There was discussion among Board members regarding a reduction in fee to \$25, and whether to amend the ordinance, return it Rules Committee for further study, or to postpone a decision.

Mr. Chase moved to approve the ordinance with the following amendment (1) the fee be reduced to \$25 and (2) and those with under gross receipts of \$5,000 would not have to apply.

Mr. Rosenberger suggested that the words "or who are exempt under the State Code from filing" be added.

Mr. Chase agreed to amend the motion.

Mr. Nixon seconded Mr. Chase's original motion for discussion.

Mr. Chase stated that was not the motion he made.

Mr. Maddox stated that he understood the motion to be that there would be the following amendments: (1) a \$25 fee, (2) those who have gross receipts of \$5,000 or less do not have to apply, and (3) and if an individual was exempt from applying under the State law, he or she would not have to apply.

Mr. Nixon stated he did not second that motion, but he seconded Mr. Chase's original motion.

Mr. Rosenberger pointed out that Mr. Nixon seconded the motion after it was amended and the motion should stand.

Mr. Chase withdrew his motion.

Mr. Chase moved, seconded by Mr. Lee, to deny the proposed amendment.

Mr. Nixon stated he would not support the motion on the floor because he was in favor of passing it with a \$25 fee, and a business with gross receipts of \$5,000 or less would not have to apply.

Mr. Coates called for voice vote and then a show of hands.

Ayes - Chase, Hansohn, Lee, Rosenberger

Nays - Coates, Nixon, Walker

Motion carried 4 to 3.

NEW PLANNING COMMISSION BUSINESS

CASE NO. U-2056-04-1. Request by Perl Family LLC#2 for approval of a use permit for an office trailer for a mulching/topsoil/and firewood operation. The property is located off Route 780 in the Stevensburg Magisterial District and contains 28.80 acres. Tax Map/Parcel No. 42/68A1.

Sam McLearen, Zoning Administrator, informed the Board that the case had been considered by the Planning Commission and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 and Article 28 of the Zoning Ordinance with the following condition: The use permit would be valid for as long as the associated mulch and topsoil operation continued and would become void upon ceasing operation of that business on the site. He said the Planning Commission was recommending to the Board of Supervisors that the use permit be approved with the referenced condition.

John Egertson, Planning Director, displayed a tax map which highlighted the location of the site being considered. He noted the Board had granted a use permit last month for an operation at this location, the former Big M Corporation site. He said the present request was for the placement of an office trailer to be utilized for business purposes, it had raised no concerns with the staff or the Planning Commission, and it was recommended for the Board's approval.

No one was present to represent the application.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Lee, to approve the use permit as recommended by the Planning Commission.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

REVIEW OF THE CATALPA AGRICULTURAL AND FORESTAL DISTRICT. ***The Board of Supervisors will review the current Catalpa Agricultural and Forestal District, which expires in December 2004. The Board of Supervisors will determine whether the District should be continued, modified, or terminated.***

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the Catalpa Agricultural and Forestal District appropriate for renewal based upon its agricultural value. This finding is consistent with the recommendation of the Agricultural and Forest Districts Advisory Committee. He said the Planning Commission was recommending to the Board of Supervisors that the Catalpa Agricultural and Forestal District be renewed, effective October 2004, and continued until its next review in October 2012.

Mr. Egertson displayed a tax map which highlighted the existing District. He noted that the District began the process with 2,728 acres, 371 acres were being withdrawn, and 2,357 acres remained to be renewed for eight years. He said this was a viable Agricultural District and it was recommended for renewal.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mr. Rosenberger, to approve the renewal of the Catalpa Agricultural and Forestal District as recommended by the Planning Commission.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

REVIEW OF THE BRANDY STATION AGRICULTURAL AND FORESTAL DISTRICT. *The Board of Supervisors will review the current Brandy Station Agricultural and Forestal District, which expires in December 2004. The Board of Supervisors will determine whether the District should be continued, modified, or terminated.*

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the Brandy Station Agricultural and Forestal District appropriate for renewal based upon its agricultural value. This finding is consistent with the recommendation of the Agricultural and Forest Districts Advisory Committee. He said the Planning Commission was recommending to the Board of Supervisors that the Brandy Station Agricultural and Forestal District be renewed, effective October 2004, and continued until its next review in October 2012.

Mr. Egertson displayed a tax map which highlighted the existing District. He reported that the District began the process with 7,485 acres, there have been 615 acres withdrawn and the remaining District to be renewed for eight years was 6,870 acres. He stated it was considered a viable District, and it was recommended for the Board's approval.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Rosenberger, to approve the renewal of the Brandy Station Agricultural and Forestal District as recommended by the Planning Commission.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. U-2061-04-1. Request by Perl Family, LLC #2 for approval of a use permit for the outdoor storage of topsoil, mulch and other wood products. The property is located off Route 780 in the Stevensburg Magisterial District and contains 28.8 acres. Tax Map/Parcel No. 42/68A1.

Mr. McLearen informed the Board that the case had been considered by the Planning Commission and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 and Article 30 of the Zoning Ordinance with the following conditions:

1. A site plan must be submitted, approved, and all improvements implemented in accordance with Article 20.
2. No storage of materials or processing activities shall be permitted within 100 feet of the stream on the site or within 50 feet of any wetlands area. Wetlands must be delineated on the site plan.
3. Additional screening must be installed and maintained and the existing vegetation must also be maintained to fully screen all Route 29 frontage. The requirements for such screening shall be determined through the site plan process.
4. No new signage visible from Route 29 shall be permitted.

Mr. McLearen said the Planning Commission was recommending to the Board of Supervisors that the use permit be approved with the referenced conditions.

Mr. Egertson displayed a tax map which highlighted the location of the property zoned as Light Industrial. He stated the request was a part of the ongoing process to bring this property into compliance with County ordinances. He noted that the case was almost identical to a use permit the Board approved last month, and this site was directly adjacent to that property. He stated that a use permit was required because outdoor storage was involved within an area restricted by the County's Entrance Corridor Overlay District. He said that the conditions imposed were identical to those on the adjacent property, and it was recommended for the Board's approval.

No one was present to represent the application.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Lee, to approve the use permit with the conditions recommended by the Planning Commission.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. U-2062-04-1. Request by Rajai and Kathy Zumot for approval of a use permit for the construction of a 150-foot tall telecommunications tower. The property is located on Route 739 in the Stevensburg Magisterial District and contains 53.57 acres. Tax Map/Parcel No. 54/5.

Mr. McLearen informed the Board that the case had been considered by the Planning Commission and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance. He said the Planning Commission was recommending to the Board of Supervisors that the use permit be approved.

Mr. Egertson displayed a tax map which highlighted the location of the proposed tower. He explained that the request was made by Community Wireless Structures (CWS) to construct a tower which would allow for co-location of numerous carriers and would connect the Town of Culpeper with the County-owned tower at Lignum. He noted that there appeared to be a gap in coverage along Route 3 that would necessitate the tower for coverage purposes. He said that ATC, the

County's consultant, had reviewed and supported this request. He indicated that the Board had been provided with a copy of the NEPA (National Environmental Policy Act) study which covered all adjoining or nearby historic sites, including Hansborough Ridge and Salubria, and the State had issued a finding of no impact. He noted that the tower had met the numerous conditions contained in Article 17 of the County Ordinance, and it was being recommended for the Board's approval.

Mr. Nixon asked why the applicant was not able to co-locate on one of the County's existing towers. Mr. Egertson replied that CWS was a company that constructed towers that would attract multiple carriers. He stated that their study showed a need for this tower in order to connect with those on the County's tower at Lignum and to fill in a gap in coverage along Route 3. He commented that the tower would not be built unless there were carriers with signed leases.

Mr. Coates asked whether the County would be allowed to attach to this tower should the need arise in the future. Mr. Egertson replied that the County ordinance specified that the tower had to be designed and engineered to carry a minimum number of slots or carriers, and it allowed the County to have a right of refusal on one of those sites.

Mr. Butch Davies, attorney representing CWS, stated that he concurred with staff's recommendations. He said that a question had been raised at the Planning Commission meeting regarding the impact of the tower, and it was noted that the tower would be painted the same as the tower at Brandy Station in order to blend or disappear into the environment.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Lee, to approve the use permit as recommended by the Planning Commission.

Mr. Walker called the Board's attention to a question raised at the Planning Commission meeting regarding who would be responsible for removing the tower once it was no longer being used. He said there was a discrepancy in the reply provided by staff as to whether it would be the landowner or the company who owned the tower. Mr. Egertson replied that the owner of the tower would be responsible for removal.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

AMENDMENT TO CHAPTER 14 OF THE COUNTY CODE. The Board of Supervisors will consider minor modifications to Chapter 14 of the County Code, which address water supply systems. The terms “central”, “centralized”, and “public” water supply are clarified. Language, which is duplicative of State Regulations, is deleted. Individual wells are prohibited in subdivisions where central water supply is available.

Mr. McLearen informed the Board that the case had been considered by the Planning Commission and a public hearing was held. The Planning Commission found these minor modifications to Chapter 14 to be appropriate. He said the Planning Commission was recommending to the Board of Supervisors that these modifications be adopted.

Mr. Egertson recalled that the Board had approved changes to Chapter 14 several months ago that dealt primarily with sewage treatment and septic systems. At that time, there were some questions raised by an individual regarding the section of the Chapter dealing with water and he had made a commitment to follow up. He said he had met with an owner of multiple private systems and Hugh Eggborn from the Health Department's Division of Water Programs for input. He indicated that the amendment before the Board contained primarily clarifications, and it had been endorsed by the Health Department. He explained the changes and indicated the most significant change was the stipulation that individual wells would be prohibited in subdivisions where a central water supply was available. He said the changes were straightforward and were recommended for adoption.

Mrs. Hansohn pointed out that some homes in older subdivisions were on a central system and asked how the amendments would affect those homeowners when their wells went dry. Mr. Egertson replied that there may be one or two instances where there were already private wells and the owners would not be affected. He said the reason that the central water system was requested in those instances was because of the density of the subdivision and the Health Department's feeling that it was not wise to drill multiple wells close together. He said staff wanted to ensure that when a central system was required that it was installed by a

developer which alleviated the need for individual wells.

Mrs. Hansohn asked for confirmation that there was some leeway provided for older subdivisions. Mr. Egertson replied that the ordinance would not prohibit wells from being replaced in a situation in which the subdivision predated the County's Zoning Ordinance and there were already individual wells.

Mr. Coates indicated that he had received complaints about water quality and numerous breakdowns of community wells and asked what could be done to ensure that these problems were corrected. Mr. Egertson stated that was a hard question to answer because the County could not go in and take over the privately owned central systems. He said the situation was similar to subdivisions with private roads when the residents were unhappy with maintenance and wanted the State to take the roads into the State system. He said there would be major environmental problems if individuals dug their own wells in such a close area, and they would also be degrading the ability of the owner to upgrade the system if individuals were no longer paying their fair share.

Mr. Coates asked whether a bond was required by someone building a small subdivision with a community well. Mr. Egertson replied that a bond was required until the system was installed and tested in terms of quantity and quality and was on line and accepted by the Health Department. He noted that after that the bond was released, it was privately operated and could become a problem in the future.

Mr. Coates stated that he realized this was a new ordinance, but he felt there should be some type of bond to protect property owners. Mr. Egertson stated he would look into the matter, but he did not think it was realistic to carry a bond on every private system that ran in perpetuity.

Mr. Coates opened the public hearing and called for public comments.

Dave Travers, stated he owned and operated several water works in 18 locations in the County, and he wanted to thank Mr. Egertson and Mr. Eggborn for revising the County Code.

He offered his assistance to the County and asked the members of the Board to refer any complaints to him that they received regarding any of his public water systems.

With no further comments, Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Lee, to approve the amendment to Chapter

14.

Mr. Coates stated he would not support the motion because he felt further work needed to be done.

Mr. Coates called for voice vote and then a show of hands.

Ayes - Chase, Lee, Nixon, Rosenberger

Nays - Coates, Hansohn, Walker

Motion carried 4 to 3.

Mr. Coates recessed the meeting at 8:14 p.m. to confer with the County Attorney.

Mr. Coates called the meeting back to order at 8:14 p.m.

ADJOURNMENT

Mr. Nixon moved, seconded by Mrs. Hansohn to adjourn at 8:16 p.m.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk of the Board

APPROVED: November 3, 2004